THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.22785 OF 1998

DATED: 28-03-2007

Between :

Chintala Ramulu ... Petitioner

And

1. The District Collector, Medak District at Sangareddy., and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.22785 OF 1998

ORDER :

The petitioner was assigned an extent of 4 acres of land situated in Sy.No.599/1 of Fasalwadi, Sangareddy, Medak District in the year 1968 vide patta No.2493, dated 20-9-1968. It is stated that since the date of assignment he has been in continuous possession and enjoyment of the land in question. However, the Mandal Revenue Officer, Sangareddy issued a notice dated 30-11-1996 calling upon the petitioner to show-cause as to why the assignment should not be cancelled alleging that the petitioner had failed to bring the land in question under cultivation. Though the petitioner submitted his explanation denying the allegations, no orders were passed. In the meanwhile apprehending dispossession highhandedly, the petitioner filed W.P.No.8802 of 1997. This Court disposed of the said writ petition by order dated 29-4-1997 with directions as under :

> *"In view of the above, the respondents are directed not to dispossess the petitioner till decision is taken by the Mandal Revenue Officer on the explanation filed by the petitioner to the Show Cause Notice dated 31-10-1996. The Mandal Revenue Officer is also directed to dispose of the matter within a period of three months from the date of receipt of a copy of this order.*
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> *With the above directions, the Writ Petition is disposed of. No costs."*

It is stated that in spite of the said order, the respondents had not conducted any enquiry nor communicated any final order to the petitioner, but on the other hand the 3rd respondent issued patta

dated 8-3-1997 in favour of some third parties in respect of the land in possession of the petitioner. It is alleged that in spite of repeated requests made even a copy of the said patta was not furnished to the petitioner.

Hence, this writ petition seeking a declaration that the action of the respondents in interfering with the possession and enjoyment of the petitioner in respect of the land admeasuring 4 acres situated in Sy.No.599/1 of Fasalwadi, Sangareddy covered by the patta No.2493, dated 30-9-1996 as arbitrary and illegal.

Though this Court ordered Rule Nisi on 26-10-1998, no counter-affidavit has been filed by any of the respondents so far. The interim order granted by this Court dated 17-8-1998 not to dispossess the petitioner from the land in question continued to be in operation throughout.

Having heard the learned Counsel for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents and having regard to the material on record which shows that the petitioner was assigned the land in question on 30-9-1968 which is subsisting as on today, it is not permissible to grant any fresh patta in respect of the said land. Though, it is open to the respondents to take appropriate steps in accordance with law for cancellation of the patta in case the petitioner has flouted any of the conditions of the assignment, as could be seen from the material on record, in spite of the order of this Court in W.P.No.8802 of 1997 no such order has been passed by the respondents so far.

In the circumstances, the Writ Petition is hereby allowed holding that fresh patta, if any, granted in respect of the land covered by patta certificate bearing No.2493, dated 30-9-1968 is illegal. There shall be a further direction to the respondents not to interfere with the possession of the petitioner in respect of the land in question in any manner whatsoever till a decision is taken in terms of the order of this Court in W.P.No.8802 of 1997 and a copy of the same is

communicated to the petitioner. No costs.

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G. ROHINI, J.

Dt. 28-3-2007
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